

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X Case No.:
RUTH FERRERA,

Plaintiff,

COMPLAINT

-against-

JURY TRIAL DEMANDED

ICAHN SCHOOL OF MEDICINE AT MOUNT
SINAI, KATHRYN TAN, EMMA GUTTMAN,
SHERAYE WILLIAMS, VIRGINIA ORTIZ, and
TOMLEE ABRAHAM;

Defendants.

-----X

Plaintiff Ruth Ferrera, by her attorneys, Filippatos PLLC, hereby alleges against Defendants Icahn School of Medicine at Mount Sinai ("Mount Sinai" or the "Hospital"), Kathryn Tan, Emma Guttman, Sheraye Williams, Virginia Ortiz, and Tomlee Abraham (together, the "Individual Defendants") as follows:

NATURE OF THE CASE

1. This is a case about how Mount Sinai cruelly fired a 53-year-old woman with a burned/disfigured hand who was discriminatorily fired just one week after she was hired without being given a fair chance to prove what a capable and effective Executive Assistant/System Manager she was solely because of her advanced age and disability status. A 35-year-old woman immediately replaced Plaintiff, and Plaintiff had to settle for a less-paying job outside the healthcare industry.

2. As a result of Defendants' unlawful conduct, Plaintiff brings this action against her former employer, Mount Sinai, and her former supervisors and coworkers, on the basis of discrimination based on her age (53) and disability (burned/disfigured hand) in violation of the Age Discrimination in Employment Act of 1967 ("ADEA"), 29 U.S.C. §§ 621 *et seq.*; the American with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§ 12101, *et seq.*, as amended by the

ADA Amendments Act of 2008, Pub. L. No. 110-325 ("ADAA"); the New York State Human Rights Law, New York State Executive Law, §§ 296 *et seq.* ("NYSHRL"); and the New York City Human Rights Law, Administrative Code §§ 8-107, *et seq.* ("NYCHRL").

3. Plaintiff seeks damages, as well as injunctive and declaratory relief, to redress the injuries she has suffered – physical, emotional, and pecuniary – as a result of being discriminated against by Defendants on the basis of her age and disability.

PARTIES, JURISDICTION, VENUE, AND ADMINISTRATIVE PREREQUISITES

4. At all times relevant hereto, Plaintiff was and is a resident of the State of New York, County of Westchester.

5. At all times relevant hereto, Plaintiff was a 53-year-old woman with an actual disability (burned/disfigured hand).

6. At all times relevant hereto, Plaintiff was an employee of Mount Sinai.

7. At all times relevant hereto, Mount Sinai was and is a domestic for-profit organization maintaining its principal place of business at 1 Gustave L. Levy Place New York, New York 10029.

8. Upon information and belief, Mount Sinai employs approximately 42,000 individuals on a full-time or full-time equivalent basis and thus is subject to all statutes upon which Plaintiff is proceeding herein.

9. Upon information and belief, at all times relevant hereto, Defendant Kathryn Tan was and is an individual residing in the State of New York, as well as an employee of Mount Sinai, holding a position of "Clinical Doctor," and had the authority to hire, terminate, and affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding same.

10. Upon information and belief, at all times relevant hereto, Defendant Emma

Guttman was and is an individual residing in the State of New York, as well as an employee of Mount Sinai, holding the position of "Health System Chair of The Department of Dermatology," and had the authority to hire, terminate, and affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding same.

11. Upon information and belief, at all times relevant hereto, Defendant Sheraye Williams was and is an individual residing in the State of New York, as well as an employee of Mount Sinai, holding a position of "Administrative Coordinator," and had the authority to hire, terminate, and affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding same.

12. Upon information and belief, at all times relevant hereto, Defendant Virginia Ortiz was and is an individual residing in the State of New York, as well as an employee of Mount Sinai, holding the position of "Administrative Manager and System Manager, Dermatology Human Resources ("HR") & Special Projects," and had the authority to hire, terminate, and affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding same.

13. Upon information and belief, at all times relevant hereto, Defendant Tomlee Abraham was and is an individual residing in the State of New York, as well as an employee of Mount Sinai, holding the position of "Vice Chair of Administration of The Department of Dermatology," and had the authority to hire, terminate, and affect the terms and conditions of Plaintiff's employment or to otherwise influence the decision making regarding same.

14. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1331.

15. This Court has supplemental jurisdiction over the claims that Plaintiff has brought under state law pursuant to 28 U.S.C. § 1367.

16. Venue is proper in this district, pursuant to 28 U.S.C. §1391(b), as one or more Defendants reside in the District of New York, and a substantial part of the acts complained of occurred therein.

17. By: (a) timely filing a Charge of Discrimination with Equal Employment Opportunity Commission ("EEOC") on November 21, 2022; (b) receiving a Notice of Right to Sue from EEOC on July 18, 2023 after the passage of 180 days; and (c) commencing this action within 90 days of the issuance of the Notice of Right to Sue by the EEOC, Plaintiff has satisfied all procedural prerequisites for the commencement of the instant action.

FACTUAL ALLEGATIONS

18. Plaintiff joined Mount Sinai on July 11, 2022, with over 15 years of experience as an Executive Assistant and Program Manager.

19. After graduating with her associate degree in office administration/Human Resources from Berkeley College in 1993, Plaintiff went on to attend Fordham University, where she graduated with a Bachelor of Arts in Communications/Media Studies in 2003.

20. After graduating with her Bachelor of Arts, Plaintiff began her career at Pearson Education, located in Upper Saddle River, NJ, as a Project/Program Manager. In this role, Plaintiff was responsible for the successful initiation, planning, monitoring, and controlling closure of educational books, inserts, pamphlets, and projects; performing administrative duties to manage and oversee book/media projects from launch to finish; maintaining the editorial/project manager conference rooms for effective meetings; and collaborating with shareholders to ensure smooth progress and quality of all book and media projects.

21. Subsequently, Plaintiff assumed roles of increasing responsibility between 2011-2022 at Time Warner Cable Media as Executive Assistant to President of Media Sales (EVP & COO), and most recently at Spectrum Reach as Senior Executive Assistant to SVP, Advanced

Digital Products & Strategy, before she joined Mount Sinai in July 2022.

22. Plaintiff also has a Certificate for Human Resources Management/Analytics as well as a Certificate for Project/Program Management from Wharton University.

A. Plaintiff is Hired by Mount Sinai but, Very Shortly Thereafter, is Subjected to Discriminatory Treatment

23. Before joining Mount Sinai, Plaintiff was an exemplary employee at Spectrum Reach (a subsidiary of Charter Communications), earning approximately \$85,000 annually and working with Time Warner for over a decade.

24. Plaintiff decided to branch out solely because Spectrum Reach was supposed to relocate to a new location, and she wanted to enter the healthcare industry in light of the focus put on healthcare due to the recent COVID-19 pandemic. Plaintiff's skillset, which her former employers greatly coveted, would be helpful in and translate well to a role in the healthcare industry. Plaintiff even received a glowing letter of recommendation to pursue her aspirations from Spectrum Reach. This letter made clear that Plaintiff is a stellar, capable, and competent worker unlike how Mount Sinai wishes to pretextually depict her.

25. When she joined Mount Sinai as a Program Manager II in July 2022, Plaintiff was supposed to assume exclusive responsibility of the following key functions: (a) supporting and managing the activities of Defendant Guttman; (b) overseeing her calendar; (c) submitting the expenses to the Hospital's Administrator Coordinator for reimbursement; (d) overseeing daily operations and coordinating program activities; and (e) preparing budget proposals and recommendations and establishing a budget control system to control expenditures.

26. Thus, given her demonstrated accomplishments and ability to implement orderly systems, Plaintiff anticipated early success at Mount Sinai and was thrilled to have reached what she thought was going to be a life-defining experience, where she could work within the healthcare

industry shortly after the COVID-19 pandemic, at a venerable institution such as Mount Sinai that offered her security, as well as the opportunity for growth in the future. Plaintiff was hired by Mount Sinai at an annual salary of \$110,000, which remained her level of compensation when she was unlawfully terminated on July 19, 2022.

27. When Plaintiff joined Mount Sinai on July 12, 2022, her assimilation into, and functioning within, the Hospital progressed relatively smoothly on her first day, despite Mount Sinai failing to clearly communicate Plaintiff's role and responsibilities as well as to provide her a "Welcoming Package" as was routine practice for new hires. However, things began to change drastically for the worse on her second day of work.

28. Indeed, on July 13, 2022, Defendant Tan began training Plaintiff. Unfortunately, however, from the outset, Defendant Tan was noticeably impatient with Plaintiff, despite it only being her second day on the job. Moreover, Defendant Tan was particularly rude to Plaintiff and trained her in a rushed and ineffective manner, and acted as though Plaintiff did not know how to do the simplest of clerical tasks.

29. To make matters worse, Defendant Tan informed Plaintiff that she would now be required to clean and dust Defendant Guttman's office, which was – from Plaintiff's perspective – demeaning as a Hispanic woman and never mentioned in the job description she had been provided. Moreover, Defendant Tan falsely claimed to Plaintiff that the office had large cockroaches to intimidate her into resigning.

30. Additionally, despite previously being assured that she would share an office with the incoming Director, Aminata Diop, Defendant Tan subsequently informed Plaintiff that she would instead be placed in an assistant's cubicle – which only contributed to Plaintiff's decline in morale.

31. More to the point, without any solicitation from Plaintiff, Defendant Tan repeatedly

disclosed how Defendant Guttman mistreated her assistants in another attempt to scare Plaintiff into resigning. Defendant Tan went so far as to engage another coworker – who had worked for over 19 years at Mount Sinai with someone close to Defendant Guttman – to convince Plaintiff that Defendant Guttman was a nightmare to work for and has had a revolving door of assistants who have either quit or been fired.

32. Indeed, after only a day and a half of working for Mount Sinai, Plaintiff began to experience a hostile work environment at Mount Sinai based on certain harassing conduct by Defendant Tan, which made her feel targeted and impeded her ability to focus on the training she was supposed to be provided.

33. On July 14, 2022 – Plaintiff's third day of work – Defendant Tan strangely suggested that Plaintiff not get too comfortable or bring personal picture frames for her desk, allegedly because the Hospital did not know where they were going to place her. This made Plaintiff feel isolated and unsupported, especially since Defendant Tan and her work friends – who all were younger than Plaintiff – were belittling and making her feel inferior. Plaintiff interpreted Defendant Tan's words as a veiled threat that she would not remain long at Mount Sinai, which naturally made Plaintiff increasingly upset and anxious.

34. Moreover, even though Plaintiff had specifically been told that employees worked from home on Fridays – described as a "ghost town"—, Defendant Guttman stormed into the cramped office Plaintiff was assigned and, in a stern voice, told Plaintiff that there is "no work from home on Fridays!"

35. When Plaintiff expressed confusion about this abrupt change in policy, Defendant Guttman doubled down on her harassing behavior and stated that the foregoing information never came from her and that she did not know where Plaintiff had gotten such an idea. Notably, the following is written in Plaintiff's job description: "In person 4 days a week, options for remote

Fridays (depending on what is going on)."

36. To make matters worse, by July 15, 2022 – Plaintiff's fourth day of work – the Hospital had still not provided Plaintiff with her credentials for logging in to the Hospital's computer network and email platform, which made it nearly impossible for Plaintiff to complete any of her tasks. Defendant Tan also failed to connect Plaintiff's laptop to the main office printer and switched Plaintiff's laptop several times, further impeding Plaintiff's progress.

37. The following day, July 16, 2022, Defendant Abraham hosted a party and invited Plaintiff and other Mount Sinai staff. Unfortunately, despite Plaintiff's hope that the party would allow her to meet and connect with new coworkers, the entire event left her feeling even more uncomfortable than when she arrived. Indeed, throughout the party, Plaintiff's coworkers gave her strange looks and were noticeably distant, as if they knew something was about to happen to her.

B. Defendant Tan Learns of Plaintiff's Disability After Berating and Humiliating Her During a Training Session and Mount Sinai Fails to Engage in Any Interactive Discussion

38. The day after the party, Plaintiff began feeling very uneasy and anxious about both the atmosphere at the party, as well as her future with the Hospital. As a result, Plaintiff emailed Defendant Guttman to remind her that she would be in the office for a half-day on that Monday because she had to return her keys and devices to her former employer.

39. Plaintiff also took this opportunity to apologize for the miscommunication and confusion (not her fault) regarding a Friday hybrid schedule. Unfortunately, Defendant Guttman made no effort to respond to Plaintiff's email, which only worsened Plaintiff's already-deteriorating mental health and anxiety.

40. Then on Monday July 19, 2022, upon her arrival at the office, Defendant Tan continued to remain increasingly distant from Plaintiff. Moreover, during the few times she did communicate with Plaintiff, Defendant Tan continued to be unfairly impatient and blatantly hostile

towards her. For example, when copying information and pasting it into another document/file, Defendant Tan would ask – in an accusatory manner – "What are you doing? Let me see how you are copying the information," as if Plaintiff was doing something wrong – which she was not. Evidently, Defendant Tan was micromanaging Plaintiff whom she believed was too old to effectively use a computer.

41. It was also at this time that Defendant Tan learned that Plaintiff had suffered a cooking accident at home, and, as a result, was dealing with an obviously burned hand that was heavily bandaged.

42. Unfortunately, instead of engaging in an interactive discussion to assess what accommodation would be reasonable for Plaintiff under the circumstances to help her fulfill the essential duties of her position, Defendant Tan remained silent and continued to unfairly criticize Plaintiff.

43. Uncoincidentally, after noticing Plaintiff's burnt hand and criticizing her computer skills, Defendant Williams directed Plaintiff to add a meeting to Defendant Guttman's calendar. Plaintiff found this particularly strange as the Administrative Coordinator would not normally be the one to issue such an order. Nevertheless, Plaintiff did as she was told and added the meeting to Defendant Guttman's calendar. Plaintiff began to suspect that Defendant Tan had badmouthed Plaintiff to Defendant Williams as inept and ignorant and talked negatively to her about Plaintiff's burnt hand, which caused Defendant Williams to test Plaintiff and stare at her heavily bandaged hand.

44. Defendant Williams stared at Plaintiff's hand while she was operating the mouse after proclaiming, "Let me see how you did that." Plaintiff felt belittled and humiliated by how Defendant Williams regarded her as being unable to handle such a simple task and had to see with her own eyes that Plaintiff complete this task despite her bandaged hand and "old" age. After

Plaintiff completed the task, Defendant Williams brusquely said, "OK," and walked away.

C. Plaintiff is Shut Out from Communications with the Hospital and Ultimately Terminated Under Suspicious Circumstances Giving Rise to an Inference of Discrimination Based on Her Age and Disability

45. Unfortunately, only 45 minutes after being tested by Defendant Williams, Plaintiff was abruptly called into Defendant Abraham's office, where he and Defendant Ortiz were waiting. It was at this time that Plaintiff learned that she was being terminated by the Hospital after only a week of employment.

46. Shocked and humiliated by this sudden turn of events, Plaintiff asked what she had done to deserve this fate, given that she had only been at Mount Sinai for about a week. In response, Defendant Abraham explained that Defendant Guttman made it clear that Plaintiff was "not fit for the job and [didn't] think [she] is the one for her."

47. This was particularly troubling to Plaintiff because Defendant Guttman was who had hired and made arrangements to onboard her. Indeed, Defendant Guttman had initially appeared extremely enthusiastic and determined to hire Plaintiff. Thus, Defendant Guttman's sudden 180-degree reversal and alleged disappointment with her performance seemed suspicious – to say the least – especially since Defendant Guttman was aware that Plaintiff had left a job of over 12 years to join Mount Sinai and had only interacted with Plaintiff for a total of 30 minutes on her first day, and for a brief moment on the third day during which Defendant Guttman yelled at her for a minor misunderstanding.

48. Defendant Abraham then went onto explain that the Hospital felt that Plaintiff was too "slow" and took a long time to "learn," to which Defendant Ortiz expressed agreement.

49. To be clear, Defendant Abraham and Defendant Ortiz, who, upon information and belief, are younger than Plaintiff (53), told her that she was too slow for the position, or – put in another way – too old for the position. Naturally, Plaintiff was offended by the ageist undertones

in Defendant Abraham's remarks, particularly since the term "slow" is an ageist dog whistle and a euphemism when describing an older employee.

50. At the time of her sudden termination, Plaintiff was still undergoing an extensive onboarding process. She did not have a full workload yet and had barely done any substantive duties within the scope of her employment. Plaintiff had not completed expense reports, booked any flights, answered any phone calls, scheduled meetings – besides this one –, coordinated conferences, typed memos, or collaborated with other assistants.

51. Rather, Plaintiff was only given simple tasks outside the scope of her employment – even though, according to Mount Sinai, Plaintiff's role was “demanding” – making it impossible to truly see whether she was a "fit" for the role. Plaintiff was not even provided with the proper telecommunications equipment needed to do her job.

52. Furthermore, Defendants Ortiz and Abraham never personally witnessed Plaintiff's work and relied solely on the slanted opinions of Defendant Tan and Defendant Guttman, accepting their assessments of Plaintiff blindly and without hesitation. Clearly, this was a pretextual ruse, and Plaintiff was not a “fit” not because of her performance or any other legitimate reason, but solely because of her age and disability.

53. In fact, Plaintiff was supposed to be under a six-month probationary period, making the insultingly quick termination even more suspicious and certainly not actually based on Plaintiff's competence level.

54. To add insult to injury, Defendant Ortiz then patronizingly told Plaintiff that she should not have a problem applying for other jobs, especially with her "work experience and education." Moreover, both Defendants Ortiz and Abraham emptily proclaimed that they would support Plaintiff in seeking other opportunities within Mount Sinai by connecting Plaintiff with Meggan Swierkowzki, Talent Acquisition Specialist and putting a “recommended for rehire”

message in her personnel file.

55. Yet, when Plaintiff reached out to Ms. Swierkowzki, she comically found every excuse not to find a suitable job for her within Mount Sinai.

56. Defendant Ortiz's and Defendant Abraham's proclamations about Plaintiff's ability to find another role at the Hospital contradicted the so-called performance issues they raised against Plaintiff. If Plaintiff was as incompetent as Mount Sinai wanted to make her out to be, Defendants Ortiz and Abraham would not have done the abovementioned actions.

57. By this point, it was readily evident that Mount Sinai harbored the belief that Plaintiff simply was too old for the position and not tech-savvy enough to work in medicine—a blatantly incorrect and unsupported assumption, particularly considering how Plaintiff had worked within the Cable Broadcasting/Technology industry for over 15 years.

58. Rather, Plaintiff's age and disability were why she was fired.

59. Moreover, to twist the knife even deeper into Plaintiff's already painful wound, Plaintiff has since learned that the Hospital replaced her with an individual who is 35 years old (18 years younger than her) and who possesses neither the experience nor the education that Plaintiff has.

60. Further, unlike Plaintiff who had to undergo a rigorous screening process spanning around three months, which included six interviews and urine and blood samples, her 35-year-old replacement was expeditiously hired within a matter of days. As such, Plaintiff's was even disparately treated by the Hospital due to her age during the hiring process.

61. Put simply, given the clearly agist comments directed at Plaintiff, in addition to the hiring of a substantially younger employee to replace her within a matter of days, combined with the disgusting ridicule she endured due to her burnt hand, there is little doubt that Mount Sinai has unlawfully discriminated against Plaintiff on the basis of her age and disability.

62. Despite her determination to remain optimistic about, and committed to, her career at Mount Sinai, the ruthless discrimination and retaliation Plaintiff has suffered at the hands of Defendants has rendered her distraught and crest fallen.

63. Indeed, Plaintiff's emotional distress is clear and cognizable given the reality that Mount Sinai has allowed its employees to press their unlawful campaign against Plaintiff without repercussion. Plaintiff is still in psychotherapy treatment for general diagnosed generalized anxiety disorder caused by the discriminatory campaign she endured at Mount Sinai.

64. Worse, Plaintiff had to ultimately settle for a far less-paying job opportunity outside the healthcare industry and has felt deterred from pursuing another position within the healthcare industry due to the cruelty, hostility, and lack of compassion Mount Sinai exhibited towards her.

FIRST CAUSE OF ACTION
AGE DISCRIMINATION UNDER THE ADEA
Against Mount Sinai

65. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint as if fully set forth herein.

66. Based on the facts alleged herein, Defendants engaged in unlawful employment practices prohibited by the ADEA by discriminating against Plaintiff because of her age.

67. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer damages, including, but not limited to, economic and pecuniary losses (past and future) – such as income, salary, bonuses, and other compensation that her employment entailed, severe emotional, psychological, and physical stress, distress, anxiety, pain and suffering, the inability to enjoy life's pleasures, and other non-pecuniary losses and special damages.

68. Accordingly, as a result of the unlawful conduct of Mount Sinai set forth herein, Plaintiff has been damaged and is entitled to the maximum compensation available to her under this law, including, but not limited to, liquidated damages.

SECOND CAUSE OF ACTION
DISCRIMINATION UNDER THE ADA
Against Mount Sinai

69. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint as if fully set forth herein.

70. Based on the facts alleged herein, Defendants engaged in unlawful employment practices prohibited by the ADA by discriminating against Plaintiff on the basis of her disability and failing to engage in interactive communication and offer reasonable accommodations.

71. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer damages, including, but not limited to, economic and pecuniary losses (past and future) – such as income, salary, bonuses, and other compensation that her employment entailed, severe emotional, psychological, and physical stress, distress, anxiety, pain and suffering, the inability to enjoy life's pleasures, and other non-pecuniary losses and special damages.

72. Accordingly, as a result of the unlawful conduct of Mount Sinai set forth herein, Plaintiff has been damaged and is entitled to the maximum compensation available to her under this law, including, but not limited to, liquidated damages.

THIRD CAUSE OF ACTION
DISCRIMINATION UNDER THE NYSHRL
Against All Defendants

73. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint as if fully set forth herein.

74. New York Executive Law § 296 provides that:

1. It shall be an unlawful discriminatory practice: "(a) For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or domestic violence victim status, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment."

75. Defendants engaged in an unlawful employment practice by discriminating against Plaintiff on the basis of her age (53) and disability.

76. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that her employment entailed; severe emotional, psychological and physical stress, distress, anxiety, pain and suffering; the inability to enjoy life's pleasures; and other non-pecuniary losses and special damages.

77. Accordingly, as a result of the unlawful conduct of Defendants set forth herein, Plaintiff has been damaged and is entitled to the maximum compensation available to her under this law, including, but not limited to, liquidated damages.

FOURTH CAUSE OF ACTION
AIDING AND ABETTING UNDER THE NYSHRL
Against Individual Defendants Only

78. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint as if fully set forth herein.

79. New York State Executive Law § 296(6) provides that it shall be an unlawful discriminatory practice: "For any person to aid, abet, incite compel or coerce the doing of any acts forbidden under this article, or attempt to do so."

80. Individual Defendants engaged in an unlawful employment practice in violation of New York State Executive Law § 296(6) by aiding, abetting, inciting, compelling, and coercing the discriminatory conduct against Plaintiff.

81. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past

and future) – such as income, salary, benefits, bonuses, commission, and other compensation that her employment entailed; severe emotional, psychological and physical stress, distress, anxiety, pain and suffering; the inability to enjoy life's pleasures; and other non-pecuniary losses and special damages.

82. Accordingly, as a result of the unlawful conduct of Individual Defendants, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available to her under this law, including, but not limited to, liquidated damages.

FIFTH CAUSE OF ACTION
DISCRIMINATION UNDER THE NYCHRL
Against All Defendants

83. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint as if fully set forth herein.

84. New York City Administrative Code §8-107(1) provides that it shall be unlawful discriminatory practice: "(a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, sexual orientation, or alienage or citizenship status of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions, or privileges of employment."

85. Based on the facts alleged herein, Defendants engaged in unlawful employment practices by discriminating against Plaintiff on the basis of her age (53) and disability.

86. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that her employment entailed; severe emotional, psychological and physical stress, distress, anxiety,

pain and suffering; the inability to enjoy life's pleasures; and other non-pecuniary losses and special damages.

87. Accordingly, as a result of the unlawful conduct of Defendants set forth herein, Plaintiff has been damaged and is entitled to the maximum compensation available to her under this law, including, but not limited to, liquidated damages.

SIXTH CAUSE OF ACTION
AIDING AND ABETTING UNDER THE NYCHRL
Against Individual Defendants Only

88. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this Complaint as if fully set forth herein.

89. New York City Administrative Code §8-107(6) provides that it shall be unlawful discriminatory practice "for any person to aid, abet, incite, compel or coerce the doing of any acts of the acts forbidden under this chapter, or attempt to do so."

90. Individual Defendants engaged in an unlawful employment practice in violation of New York City Administrative Code §8-107(6) by aiding, abetting, inciting, compelling, or coercing the discriminatory conduct against Plaintiff.

91. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer damages including but not limited to economic and pecuniary losses (past and future) – such as income, salary, benefits, bonuses, commission, and other compensation that her employment entailed; severe emotional, psychological and physical stress, distress, anxiety, pain and suffering; the inability to enjoy life's pleasures; and other non-pecuniary losses and special damages.

92. Accordingly, as a result of the unlawful conduct of Individual Defendants, Plaintiff has been damaged as set forth herein and is entitled to the maximum compensation available under this law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests a judgment against the Defendants:

A. Declaring that Defendants engaged in unlawful employment practices prohibited by the Age Discrimination in Employment Act of 1967 ("ADEA"), 29 U.S.C. §§ 621 et seq.; the American with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§ 12101, et seq., as amended by the ADA Amendments Act of 2008, Pub. L. No. 110-325 ("ADAA"); the New York State Human Rights Law, New York State Executive Law, §§ 296 et seq. ("NYSHRL"); and the New York City Human Rights Law, Administrative Code §§ 8-107, et seq. ("NYCHRL") by discriminating against Plaintiff because of her age and disability, allowing its employees to press their unlawful campaign against Plaintiff without repercussion;

B. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendants' unlawful discrimination and to otherwise make her whole for any losses suffered as a result of such unlawful employment practices;

C. Awarding Plaintiff compensatory damages for mental, emotional, and physical injury, distress, pain and suffering, and injury to her reputation in an amount to be proven at trial;

D. Awarding Plaintiff punitive damages;

E. Awarding Plaintiff li

F. Awarding Plaintiff attorneys' fees, costs, disbursements, and expenses incurred in the prosecution of this action; and

G. Awarding Plaintiff such other and further relief as the Court may deem equitable, just, and proper to remedy Defendants' unlawful employment practices.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: October 3, 2023
White Plains, New York

Respectfully submitted,

FILIPPATOS PLLC

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